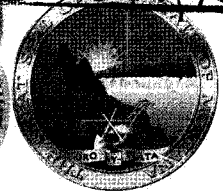




Lewis & Clark C O U N T Y



SENATE JUDICIARY
STAFF NO. 25
DATE 2/10/11
SB 17, 18

BOARD OF COUNTY COMMISSIONERS

Andy Hunthausen

Michael A. Murray

Derek Brown

City County Building 316 North Park

Helena, Montana 59623

406.447.8304 Fax: 406.447.8370

Senate Judiciary Committee
62nd Session of the Montana Legislature
Room 303, Montana State Capital

February 9, 2011

RE: Senate Bill 17, 18

Chairman Murphy and Members of the Committee:


The Lewis and Clark County Commission opposes Senate Bill 17 as currently drafted. While we understand the logic behind transferring administrative responsibility for the operation of detention centers solely to the Sheriff's Office, we have significant concerns with the bill as it relates to ultimate liability for the operation of a county facility.

In Lewis and Clark County, we strive to maintain a positive working relationship with the Sheriff's Office. The Commission regularly defers to the Sheriff on all programmatic policies implemented in the detention center, hiring and promotion decisions made within the detention center, disciplinary action undertaken within the detention center, and the general operation of the facility. The Sheriff consults with County Human Resources staff in recruitment, selection, promotion, and disciplinary decisions made within the facility to ensure standard and defensible hiring, promotional, and disciplinary actions are taken. While this bill appears to clarify the role of Sheriff as the ultimate authority with respect to personnel decisions made in a detention center, ultimate liability for any decisions made still rests with the County Commission. In effect, if this bill passes an elected Sheriff could do whatever he or she wishes with the County paying the price for subsequent litigation and damages associated with illegal acts or policy violations. Instead of the partnership we have worked hard to develop within Lewis and Clark County this bill will encourage the isolation of the law enforcement arm of our government yet leave the Commission and thus the general population with all liability for improper personnel decisions.

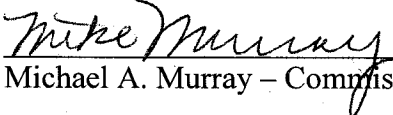
It has been our experience that our Sheriff brings the essential knowledge of the duties of a law enforcement agency with them upon election. Their association with county government allows us to provide the department with IT support, criminal and civil legal guidance through the County Attorney's Office, and detailed knowledge of human resources practices through our HR Department. It requires cooperation among elected

officials and communication throughout County government to best serve the residents of the County. Any attempt to isolate a branch of county government while keeping the liability with the County Commission is not appropriate, nor is it good administrative policy. Under this bill, those responsible for implementation are not responsible for the consequences of their actions. Those responsible for the consequences are unable to impact the decisions that incur liability. We urge the Committee to consider this bill in the context of coordination, liability, and effective administrative policy in county government. In doing so, we encourage you to vote NO on Senate Bill 17.

Sincerely,


Derek Brown - Chairman


Andy Hunt - Commissioner


Michael A. Murray - Commissioner